



**Town of Arlington
Civilian Police Advisory Board
Study Committee**

TO: All Committee Members
FROM: Jillian Harvey, Member, DEI Division Director
DATE: 9 October , 2021

I was originally scheduled to discuss my experiences supporting town residents through the process of filing complaints about their interactions with police during the Wednesday, October 13, 2021 meeting of the Civilian Police Advisory Board Study Committee. Unfortunately, I will need to leave the Wednesday meeting early in order to attend the Select Board meeting in time for its discussion of the town's reprecincting process. So I have prepared this memo for your review in advance of your meeting and hope to answer any questions you may have in the short time we have together on Wednesday.

To date, I have assisted two town residents, both Black, in bringing their complaints about experiences they had with Arlington police to the attention of Police Chief Julie Flaherty. Based on these experiences, each of which consumed many hours of work time over several weeks, I have formed opinions about the seriousness with which the Arlington Police Department takes complaints from residents, the areas in which Arlington's processes are particularly strong, and the areas in which Arlington's processes could be improved for the benefit of both residents and police. As these ideas relate directly to the committee's charge to "consider alternative ways for residents to file complaints about police interactions," I will share them with you in this memo.

But first I would like to briefly outline both incidents for you.

My first experience with a resident who had a complaint about their interactions with Arlington police occurred within my first month as Arlington's Director of Diversity, Equity and Inclusion. Not only was the job new to me, but the position was also a first for Arlington, which had never before employed anyone whose sole responsibility would be handling matters of diversity, equity and inclusion regarding race, ethnicity, language, ability, sexual orientation, gender identity, and religion in town business and town life. So when I received this complaint, I had no prior knowledge or understanding of how such complaints are handled, or what my role should be in the process. As I worked with this resident, I truly played the role of a neutral third party.

The resident was advised by a neighbor to contact the Arlington Human Rights Commission (AHRC) about their experience with an Arlington police officer who had responded to a 911 call made by the resident because of a neighbor. The resident did

not want to complain directly to police because they had a fear of police officers based on prior experiences they had had with police in other jurisdictions.

My office number is publicly listed for residents who wish to call AHRC, the Disability Commission, and the LGBTQIA+ Rainbow Commission. So when this resident called AHRC, I am the person who picked up. This initial phone call lasted well over an hour. During our call, the resident shared what had happened, their belief that the responding officer had treated them disrespectfully because of their race, their prior experiences with police and why they did not trust police, and their concerns about how the dispute with the neighbor would play out given they felt the police was siding with the neighbor.

After speaking with the resident, I was in touch with Chief Flaherty to talk about what to do next, because I did not know what options were available for the resident to file a complaint or what options were available for resolving the complaint.

Chief Flaherty offered to meet with the resident. I set that meeting up and also attended, at the resident's request. This meeting was originally scheduled for 30 minutes but lasted two hours. During that time, Chief Flaherty explained options for filing a complaint, but mostly listened to the resident, who ultimately expressed their gratitude for the opportunity to not just share their concerns directly with the Chief of Police, but to also have them taken seriously by the town's Chief of Police.

After that first, in-person meeting, during which the Chief and I did our best to make the resident feel comfortable, the resident seemed more open about putting some trust in the process. I believe this occurred due to the initial efforts that had been made to help the resident feel safe in talking with Chief Flaherty given the resident's existing fear of police.

The next step in this process was to assign a commissioner from AHRC to this case, as that is the protocol AHRC follows when a resident reports an incident of bias, regardless of whether the report is made about a business, another resident, or the police.

Concurrently with AHRC's involvement, Chief Flaherty provided the resident with information about how to file a formal complaint of bias against the officer whom the resident believed had treated them with racial bias. I assisted the resident with completing and submitting the form. The police department's Office of Professional Standards then moved forward with an extremely thorough investigation that resulted in a final report of over 50 pages.

During the investigation, I coordinated with the AHRC commissioner on the case to accommodate the needs and preferences of the resident and to support the resident through the process. For example, Captain Flynn at times had difficulty reaching the resident. Given the rapport I'd established with the resident, I was able to help coordinate calls and meetings required for the Office of Professional Standards to do its investigation. At the resident's request, I joined these calls and meetings to support the resident, who wanted someone they were familiar with to be present.

When the investigation was completed, I was in touch with the resident to let them know, as the police again had difficulty reaching the resident. Throughout this process, I was able to support the resident. But I was also able to share some of my observations with Chief Flaherty and Captain Flynn. Based on the knowledge and qualifications I bring to my position as Director of Diversity, Equity, and Inclusion, which necessarily includes some of my own lived experiences as a woman of color, I was able to help them more easily see the situation from the resident's perspective. Official interactions between a white, male older police officer and a younger Black person can easily become fraught, especially if the officer does not fully appreciate how body language, tone of voice, and choice of language are being perceived. With other white people, especially men, such body language, vocal intonation, and language would likely be received as routine behavior. But with younger Black people, the very same behavior may be interpreted as aggressive and threatening.

Ultimately, the resident was satisfied with the investigation. Since its close, the resident has actually called the APD on other matters as they now trust that they will be treated with respect given how seriously Chief Flaherty and the Office of Professional Standards took the original complaint.

The second time I supported a resident with a complaint about an Arlington police officer took place during June of 2020. At this time, the entire country was grappling with police violence in wake of George Floyd's murder and town residents were turning out nightly in Arlington Center and along Mass Ave for Black Lives Matter vigils. Many residents displayed Black Lives Matter signs on their lawns, in their windows, and on their doors. A Black Lives Matter sign was hung in front of Town Hall, on the fence in front of Arlington High School, and in many other public places in town. At the same time, Black Lives Matter signs were being torn down and AHRC was receiving numerous complaints of stolen signs.

In this tense racial climate, I listened to a voicemail from a resident who had had an experience with an officer and wanted to talk with someone to process the incident and help them decide whether or not to file a complaint. I called the resident back and learned the following:

The resident, who is Black, had been out walking their dog and passed some construction in the neighborhood with an officer detail. The resident walked by the officer's car (the officer's personal car, not their police vehicle) and could clearly hear the radio station that the officer had been listening to. (The officer was not in the car at that time; they were getting ready for the detail but the car radio was on and the driver's side door was open.)

The car radio was tuned into a talk radio show. The resident could clearly hear the content, which related to Black Lives Matter vigils, calls to defund police, and George Floyd. The resident described the discussion coming from the radio as racist. The resident was deeply concerned that an Arlington police officer was 1) choosing to listen

to such racially offensive content, 2) doing so while working, and 3) apparently unconcerned that anyone around them might overhear the show.

After this phone call, I went online to find the radio show in question and listened to the exact segment myself. The content was racist and representative of right-wing media that spreads misinformation and lies about BIPOC people, LGBTQIA+ people, and COVID-19. I immediately understood why anyone who does not subscribe to right-wing media would have been upset and troubled to come across a police officer listening to such content.

In my discussion with the resident, they wanted to talk through their options. They understood that it is impossible to dictate what a police officer can and cannot listen to in their personal vehicle. But they wanted to know if there were any standards regarding an officer's conduct in public? They also wondered if it was culturally acceptable, within the APD, to openly consume racist right-wing media? Did officers understand how this kind of behavior eroded trust? If they understood, would they care? Would a complaint achieve anything? Was a conversation even possible?

Once again, I was in touch with Chief Flaherty and set up a meeting with the resident, Chief Flaherty, and an AHRC commissioner. Each of us listened to the radio segment before we met, and we went into the meeting knowing in advance that Chief Flaherty had asked the officer in question if they would be willing to speak with the resident, which they declined. So when we met, we discussed the resident's concerns, we discussed how other residents of Arlington might have reacted if they had come across an Arlington police officer openly listening to a radio show with racist content, and we discussed how this incident could impact the police department's reputation if it became more widely known.

In our discussion, the resident's primary goal was for the Chief to communicate to the officer the impact of their actions. The resident wanted the officer to understand that while they may not have intended to offend anyone, by openly broadcasting a racist right-wing talk show while they were working, they had, in fact, offended a resident to such an extent that it made the resident question whether the department could be trusted at all on matters of race.

We ultimately decided to record a discussion between the resident and Chief Flaherty. In this discussion, Chief Flaherty was a stand in for the officer and the resident shared what they experienced when they were out walking their dog and overheard the radio show with the racist content. The recording started with a segment of the radio clip and then a discussion between Chief Flaherty and the resident.

The officer in question subsequently watched the video and had a follow up conversation with Chief Flaherty. The Chief reported back to the resident, and I also followed up. The resident said they wanted to file a complaint just so that it would be on the officer's personnel record, but ultimately decided not to do so. The resident did recommend—and gave permission—for the video to be used in training scenarios.

Ultimately, the resident said that recording the video and hearing from Chief Flaherty about how it was used assured the resident that their complaint had been taken seriously. The resident expressed appreciation that we were open to doing the video to meet their request that the harm caused by the officer—even though it was unintentional—was communicated back to them.

From both of these experiences, I came away impressed by Chief Flaherty's resolve to deliver restorative justice and her willingness to do whatever it took to do so. I shared non-identifying details of the first case with some of my colleagues who work in other cities and towns. All were impressed—a few to the point of disbelief—of the thoroughness of the investigation conducted by the Professional Standards Unit. I also shared non-identifying details of the second case with colleagues and they had a similar reaction to Chief Flaherty's participation in the video and her follow up with the officer and the resident.

But both experiences showed there is room for improvement in the complaints process and I hope that this committee will seriously consider and recommend alternative ways for residents to file complaints about police interactions. I have four recommendations based on my experiences:

- Create a mechanism for filing complaints anonymously
 - Some residents fear police and fear retaliation by police. They have come by this fear honestly, through their own life experiences or those of their loved ones.
- Create a mechanism for triaging incidents
 - An initial conversation with someone in the police department, an AHRC commissioner, or someone from the town's Office of Diversity, Equity, and Inclusion would help the resident understand their options
- Assess what outcomes the complainant would like and work with them
 - People want their complaints to be taken seriously. It is important to ensure that residents with complaints have the opportunity to express what they ultimately want from the situation. As with the second incident described above, filing an official complaint about the officer's conduct was far less important to the resident than being assured that the officer would be made aware of how their actions had impacted the resident and negatively harmed the department's reputation (as the resident shared the story with family and friends and so on).
- Assign someone who is not an employee of the police department to support residents who become involved in Professional Standards Investigations.
 - The process can be confusing and intimidating for residents, and including a third party in discussions to explain procedures, identify cultural differences, and clear up miscommunication, would be helpful.